

VZCZCXRO3178
PP RUEHBI
DE RUEHLM #0722/01 2030702
ZNY CCCCC ZZH
P 220702Z JUL 09
FM AMEMBASSY COLOMBO
TO RUEHC/SECSTATE WASHDC PRIORITY 0257
INFO RUEHKA/AMEMBASSY DHAKA 1794
RUEHIL/AMEMBASSY ISLAMABAD 8807
RUEHKT/AMEMBASSY KATHMANDU 7046
RUEHLO/AMEMBASSY LONDON 5057
RUEHNE/AMEMBASSY NEW DELHI 3181
RUEHNY/AMEMBASSY OSLO 5015
RUEHOT/AMEMBASSY OTTAWA 1294
RUEHSM/AMEMBASSY STOCKHOLM 0555
RUEHKO/AMEMBASSY TOKYO 4122
RUEHCG/AMCONSUL CHENNAI 9401
RUEHBI/AMCONSUL MUMBAI 6703
RUEHON/AMCONSUL TORONTO 1220
RHEFDIA/DIA WASHINGTON DC
RUEHGV/USMISSION GENEVA 3636
RHHMUNA/HQ USPACOM HONOLULU HI
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RHEHAAA/NATIONAL SECURITY COUNCIL WASHINGTON DC
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C O N F I D E N T I A L SECTION 01 OF 02 COLOMBO 000722

SIPDIS

DEPARTMENT FOR SCA/INSB

E.O. 12958: DECL: 07/20/2019

TAGS: [PGOV](#) [PREL](#) [PREF](#) [PHUM](#) [PTER](#) [EAID](#) [MOPS](#) [CE](#)

SUBJECT: SRI LANKA: HUMAN RIGHTS INQUIRY (COI) DISBANDED;
NO REAL RESULTS

REF: A. 08 COLOMBO 000551

[1](#)B. 08 COLOMBO 000493

[1](#)C. 08 COLOMBO 000344

[1](#)D. 08 COLOMBO 000264

Classified By: CHARGE D'AFFAIRES JAMES R. MOORE. REASONS: 1.4 (B, D)

[1](#)1. (C) The GSL in mid-June disbanded the Presidential Commission of Inquiry, which had been charged with investigating allegations of serious human rights violations since August 2005. Seventeen cases were being reviewed by the COI, including the killing of 17 Action Contre la Faim (ACF) aid workers and the killing of 5 young men in Trincomalee in the summer of 2006. The COI, chaired by former Supreme Court Justice Nissanka Udalgama, had investigated only seven of the cases in its mandate, and had not identified any of the perpetrators. An attorney who participated in the COI proceedings told POL FSN that the COI was disbanded because of its slow rate of progress, the high financial costs involved, and the withdrawal of the International Independent Group of Eminent Persons (IIGEP). (Note: The IIGEP, tasked with observing the local commission, resigned in April 2008 after concluding that the COI was not adhering to international standards and that the GSL lacked the political will to properly pursue the investigations (ref d). End Note.) Justice Udalgama told Reuters in mid-July that the COI was unable to complete its mandate because it could not collect video conference testimony from witnesses abroad (ref a) and because of the lack of witness protection legislation (ref b). (Note: The Presidential Secretariat ordered the suspension of all video testimony to the COI in June 2008 pending the passage of new witness protection and victim assistance legislation, which remains stalled in parliament. End Note.) There are no pending court proceedings involving any of the 17 cases, according to a civil society lawyer involved in the COI process.

[1](#)2. (C) Local press in mid-July reported that the COI submitted a final report and recommendations to President Mahinda Rajapaksa on July 3. The report has not been made

public. According to press accounts, the report exonerates the Army and Navy in the ACF case and suggests that the killings could have been carried out by Muslim Home Guards or the Liberation Tigers of Tamil Eelam. (Note: A University Teachers of Human Rights (Jaffna) report from April 2008 identified police, Muslim Home Guard, and Special Task Force members as the likely perpetrators and corresponded in large part with the conclusions of the IIGEP and other Embassy contacts (ref c). End Note.) After these press accounts of the final report, ACF issued a statement on July 18 that said "the Sri Lankan government obviously lacks the will to establish the truth," and reiterated its call for an international inquiry into the incident. Justice Udalgama countered publicly that ACF had no reason to call for an international inquiry, since it had failed to participate in the COI's investigatory process. ACF withdrew from Sri Lanka in March 2008, citing a lack of confidence in the government's investigation into the killings.

13. (U) In its final report, the COI reportedly recommended the establishment of a permanent independent commission to investigate serious violations of human rights, claiming that existing institutions are overburdened. It also recommended training for security force personnel in the protection of civilians in times of armed conflict. The COI reportedly noted that initial police investigations into the cases it reviewed lacked "any semblance of professionalism" and called for training in human rights and international humanitarian law for the police.

14. (C) COMMENT: This COI now joins a long list of previous presidential commissions that have failed to achieve their

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mandates. The government's failure to provide the Commission with the necessary resources, time, and independence it needed to complete its mandate reaffirms IIGEP's assessment that the GSL lacks the political will to hold human rights violators accountable.

MOORE